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**BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT  
OF THE STATE OF CALIFORNIA**

In the Matter of:

NMLS NO.: 421873

THE COMMISSIONER OF BUSINESS  
OVERSIGHT

ORDER DENYING APPLICATION FOR  
MORTGAGE LOAN ORIGINATOR  
LICENSE

Complainant,

v.

DIANDRE LAMONT LOPEZ, an individual,

Respondent.

The Commissioner of Business Oversight, formerly the Commissioner of Corporations (“Commissioner”), finds that:

1. On or about July 11, 2013, Respondent DiAndre Lamont Lopez (“Lopez”) filed an application for a mortgage loan originator license with the Commissioner pursuant to the California Finance Lenders Law (Fin. Code, § 22000 et seq.), in particular, Financial Code section 22109.1, and the California Residential Mortgage Lending Act (Fin. Code § 50000 et seq.), in particular, Financial Code section 50140. The application was submitted to the Commissioner by filing Form MU4 through the Nationwide Mortgage Licensing System (“the

Application”).

2. The Application at Question F specifically asked: “Have you ever been convicted of or pled guilty or nolo contendere (‘no contest’) in a domestic, foreign, or military court to any felony?” Lopez answered, “yes.”

3. When submitting the Application, Lopez used an electronic signature to attest, under penalty of perjury, that the information contained in the Application is current, complete and accurate. Lopez’s Application reads, in part:

I DiAndre Lamont Lopez (421873) . . . swear (or affirm) that I executed this application on my own behalf, and agree to and represent the following:

...

That the information and statements contained herein, including exhibits attached hereto, and other information filed herewith, all of which are made a part of this application, are current, true, accurate and complete and are made under the penalty of perjury, or un-sworn falsification to authorities, or similar provisions as provided by law.

...

If an Applicant has made a false statement of a material fact in this application or in any documentation provided to support the foregoing application, then the foregoing application may be denied.

4. In providing details about the felony conviction, Lopez stated he was involved in an armed robbery. As a result, Lopez was charged with four felony counts: (1) robbery; (2) use of a firearm; (3) bank robbery; and (4) the use of a firearm during the commission of a felony. Documentation produced by Lopez during the application process disclosed that Lopez, in the Superior Court of California, County of Orange, had pled guilty to robbery and was found guilty of the three additional charges. On or about October 27, 1992, Lopez was convicted of four felonies. Lopez was sentenced to thirty six months incarceration. Lopez has since completed the terms of his conviction. Preceding Lopez’s January 9, 2014, application for a mortgage loan originator license, Lopez pled guilty to or was convicted of four felonies related to his arrest for armed robbery.

5. Courts have held that the felonies of robbery and bank robbery involve dishonesty. (See *People v. Rodriguez* (1986) 17 Cal.App.3d 174, 178.) In *People v. Rodriguez*, the court reasoned:

The threshold question is whether the prior felonies in this case necessarily involve moral turpitude. Since robbery and burglary each necessarily involve a specific intention to commit a theft, or in the case of burglary, a theft or a felony within a protected structure, each involves elements of dishonesty and a readiness to do evil.

(*Id.* at 178.)

6. Lopez failed to disclose in the Application that he had been convicted of a fifth additional felony, felon in possession of a firearm. On or about April 28, 1997, Lopez pled guilty to the felony of a felon in possession of a firearm. Lopez's Application is inaccurate; Lopez misrepresented that his only convictions stem from his arrest for armed robbery.

7. Therefore, Lopez made, or caused to be made, a material misrepresentation to the Commissioner. Making a misrepresentation during the mortgage loan originator license process casts doubt on Lopez's character and general fitness to command the confidence of the community and operate honestly and fairly as a mortgage loan originator.

8. Section 22109.1 and section 50141, contain substantial similar language and provide in relevant part:

(a) The commissioner shall deny an application for a mortgage loan originator license unless the commissioner makes, at a minimum, the following findings:

...  
(2)(A) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court during the seven-year period preceding the date of the application for licensing and registration, or at any time preceding the date of application, if the felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering. Whether a particular crime is classified as a felony shall be determined by the law of the jurisdiction in which an individual is convicted.

...  
(3) The applicant has demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this division.

(Fin. Code §§ 22109.1 & 50141.)

1           9.       The Commissioner finds, by reason of the foregoing, that Lopez does not meet  
2 two of the minimum requirements for issuance of a mortgage loan originator license, namely,  
3 subdivisions (a)(2)(A) and (a)(3), of Financial Code sections 22109.1 and 50141 as follows: (1)  
4 Lopez has, preceding the date of the Application, pled guilty or has been convicted of two  
5 felonies, robbery and bank robbery, involving dishonesty and also failed to disclose one  
6 additional felony, of a felon in possession of a firearm. Failure to disclose this additional felony  
7 calls into question Lopez's general fitness to operate honestly and fairly as a mortgage loan  
8 originator.

9           10.      Lopez has not demonstrated such financial responsibility, character, and general  
10 fitness as to command the confidence of the community and warrant a determination that he will  
11 operate honestly, fairly, and efficiently within the purposes of this division. Therefore, pursuant  
12 to Financial Code section 22109.1, subdivision (a), and section 50141, subdivision (a), the  
13 Commissioner shall deny Respondent's Application for a mortgage loan originator license.

14           11.      On June 8, 2015, the Commissioner issued a Notice of Intention to Deny  
15 Application for Mortgage Loan Originator License, Statement of Issues in Support of Non-  
16 Issuance of Mortgage Loan Originator License and accompanying documents based on the above  
17 findings. On or around July 1, 2015, Lopez was served with those documents. The Commissioner  
18 has received no request for a hearing and the time to request a hearing has expired.

19           NOW GOOD CAUSE APPEARING THEREFORE, it is hereby ordered that the  
20 Application for a mortgage loan originator license of DiAndre Lamont Lopez is denied. This  
21 order is effective as of the date thereof.

22           Dated: November 9, 2015  
23           San Diego, CA

JAN LYNN OWEN  
Commissioner of Business Oversight

24  
25           By \_\_\_\_\_  
26           MARY ANN SMITH  
27           Deputy Commissioner  
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